

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SOVERAIN SOFTWARE LLC,

Plaintiff,

VS.

**J.C. PENNEY CORPORATION, INC.
ET AL.,**

Defendants.

CASE NO. 6:09-CV-274

FINAL JUDGMENT

Pursuant to Rule 58 of the Federal Rules of Civil Procedure, consistent with the Court's Memorandum Opinion and Order (Docket No. 555), and in consideration of the jury verdict delivered on November 18, 2011, and the entirety of the record available to this Court, the Court **ORDERS AND ENTERS FINAL JUDGMENT** as follows:

- Victoria’s Secret Direct Brand Management, LLC and Avon Products, Inc. (collectively “Defendants”) are found to have unlawfully infringed U.S. Patent Nos. 5,715,314 (“the ‘314 Patent”) and 5,909,492 (“the ‘492 Patent”).
- The ‘314 Patent is not invalid and is enforceable.
- The ‘492 Patent is not invalid and is enforceable.
- The Court awards damages to Soverain Software LLC (“Soverain”) for Victoria’s Secret Direct Brand Management, LLC’s infringement of the ‘314 and ‘492 Patents in the amount of \$9,200,000.00.
- The Court awards damages to Soverain for Avon Products, Inc.’s infringement of the ‘314 and ‘492 Patents in the amount of \$8,700,000.00.

- Soverain is further awarded post-verdict damages from November 19, 2011, until the date of this Final Judgment at the following rates: (1) 0.4% for victoriasecret.com; (2) 0.42% for avon.com; and (3) 0.35% for youravon.com.
- Soverain is further awarded prejudgment and post-judgment interest on the actual damages found by the jury and those awarded as post-verdict damages calculated at the prime rate as of the date of this Final Judgment, compounded quarterly.
- Soverain is awarded its prejudgment Costs of Court.
- Soverain is entitled to post-judgment interest as provided for by 28 U.S.C. § 1961 for any time period between the entry of this Final Judgment and the date upon which Soverain receives payment from Defendants as ordered herein.
- For the reasons stated in the Court's Memorandum Opinion and Order (Docket No. 555), Defendants are hereby **ORDERED**, for the remaining life of the '314 and '492 Patents and so long as their infringement continues, to pay Soverain an ongoing royalty at the following rates: (1) 1.0% for victoriasecret.com; (2) 1.05% for avon.com; and (3) 0.875% for youravon.com.
- All relief not granted in this Final Judgment is **DENIED**.
- All pending motions not previously resolved are **DENIED**.

So ORDERED and SIGNED this 22nd day of August, 2012.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE